

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F042239 People v. Fish

The matter is remanded to the trial court for a hearing on defendant's allegations concerning counsel's performance. If the court finds that defendant has presented a colorable claim of ineffective assistance of counsel, then the court must appoint new counsel to fully investigate and if appropriate present a motion for new trial based on ineffective assistance of counsel and/or juror bias. If the court does not find a colorable claim of ineffective assistance of counsel, then the trial court shall reconsider the motion for new trial on the question of possible juror bias. If a new trial is not granted, the trial court shall clarify the no-contact order and reinstate the judgment. Vartabedian, P.J.

We concur: Cornell, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043208 People v. Poslof

Filed modification of opinion (change in judgment). Dibiaso, Acting P.J.

We concur: Vartabedian, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043208 People v. Poslof

Appellant's petition for rehearing filed herein is denied.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

- F042962 People v. McClough**
The judgment is affirmed. Levy, J.
We concur: Dibiaso, Acting P.J.; Buckley, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042458 People v. Markham**
The judgment is affirmed. Buckley, J.
We concur: Dibiaso, Acting P.J.; Wiseman, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042798 People v. E.K.**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F042592 People v. Black**
Filed modification of opinion (no change in judgment). Dibiaso, Acting P.J.
We concur: Vartabedian, J.; Dawson, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042592 People v. Black**
Appellant's petition for rehearing filed herein is denied.
- F043512 In re Andrew H., a Minor**
The judgment is affirmed. Buckley, J.
We concur: Dibiaso, Acting P.J.; Wiseman, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042972 People v. Maher**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F044682 In re David M., a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F045632 Garabedian v. The Fresno International Grand Opera Association et al.

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F045571 Robert D. v. The Superior Court of Kern County; Kern County Department of Human Services

Pursuant to the terms of this court's order of June 18, 2004, and the failure of any party to request oral argument, the oral argument date of July 15, 2004, is vacated.

This matter is deemed submitted on the date of this order.

F045440 James G. v. The Superior Court of Kings County; Kings County Human Services Agency

Pursuant to the terms of this court's order of June 18, 2004, and the failure of any party to request oral argument, the oral argument date of July 15, 2004, is vacated.

This matter is deemed submitted on the date of this order.